
Report of City Solicitor, Head of Elections, Licensing and Registration and Chief Planning Officer

Report to Corporate Governance and Audit Committee

Date: 26th June 2018

Subject: Annual Decision Making Assurance Report

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. This is the annual report to the committee concerning the Council's decision making arrangements. The assurances contained within this report will feature in the draft Annual Governance Statement (to be considered by committee later in this agenda).

Recommendations

1. Members are requested to consider and note the positive assurances provided in this report given by the Head of Governance and Scrutiny Support, the Head of Service Legal Services, the Chief Planning Officer and the Head of Elections, Licensing and Registration that the decision making framework in place within Leeds City Council is up to date, fit for purpose, effectively communicated and routinely complied with.

1. Purpose of this report

- 1.1 This is the annual report to the committee concerning the Council's decision making arrangements.
- 1.2 The report provides one of the sources of assurance which the committee is able to take into account when considering the approval of the Annual Governance Statement.

2. Background information

- 2.1 The Council's decision making framework, which is detailed within the Council's Constitution, comprises of the systems and processes through which decision making is directed and controlled. Whilst a number of these systems and processes are put in place in direct response to primary and secondary legislation, others reflect the implementation of locally adopted definitions and choices made to ensure maximum transparency and accountability within Council practice and procedure.

Reporting Period

- 2.2 The Committee has received annual assurance reports in respect of executive decision making, Regulation of Investigatory Powers Act, licensing and planning matters. Most recently, the Annual Decision Making Assurance Report was received by committee on 20th June 2017 covering the period to 31st March 2017.
- 2.3 The information set out in this report therefore reflects decision making arrangements for the period 1st April 2017 to 31st March 2018, although Members will note that the Annual Licensing Report covers the period 1st January to 31st December 2017.

3. Main issues – Executive Decision Making

- 3.1 In considering the assurance statement which can be given in respect of the Council's executive decision making arrangements the Head of Governance and Scrutiny Support considers four aspects. The information set out below advises how the Head of Governance and Scrutiny Support has arrived at the positive assurances given that the decision making arrangements are:-
 - 1. up to date,
 - 2. fit for purpose,
 - 3. effectively communicated and
 - 4. routinely complied with.

Up to Date and Fit for Purpose

Review of Constitution

- 3.2 Article 15 of the Constitution requires that the Monitoring Officer is aware of the strengths and weaknesses of the Constitution and that she ensures that the aims and principles of the Constitution are given full effect. The Article provides authority to the Monitoring Officer to make any amendments to the Constitution necessary as a result of legislative change, to give effect to decisions of Council or the Executive or for the purpose of clarification only.
- 3.3 Article 15 further sets out which person or body has authority to amend each document within the Constitution.
- 3.4 Each year the Head of Governance and Scrutiny Support co-ordinates a review of the Constitution. Directors and other key officers are invited to contribute any recommendations as to ways in which the various parts of the constitution could or should be amended to ensure that they remain up to date and fit for purpose, reflecting current structures and processes.
- 3.5 The majority of decisions taken to amend the constitution form part of the annual review of the constitution or are the result of routine review of particular documents.
- 3.6 In 2017 changes recommended as a result of the annual review were given effect in a series of delegated and committee decisions:-
- On 18th May the Leader approved the Council's executive arrangements with effect from 26th May;
 - On 25th May Full Council approved Committee Terms of Reference and Officer Delegations, whilst also approving minor amendments to the Council Procedure Rules and Article 15;
 - On 26th May Licensing Committee approved delegations to Licensing Subcommittee and to the Director of Communities and Environment, whilst also approving minor amendments to the rules of procedure for the purpose of clarification;
 - On 26th May the Head of Governance and Scrutiny Support approved amendments to Article 6, Committee Membership and the Members Allowances Scheme consequential upon the decisions of Full Council on 25th May.
- 3.7 The Council's Constitution for 2017/18 was published following the annual review.
- 3.8 Since this time the Monitoring Officer has taken five delegated decisions in the reporting period to ensure that the constitution remains up to date and fit for purpose. These decisions included:-
- Two decisions correcting minor errors in the Constitution;
 - The annual update report in respect of the Members Allowances Scheme giving effect to the decision of Council to apply an annual uplift to the allowances set out;
 - A decision amending Article 2, and Article 10 of the Constitution to give effect to the Leeds (Electoral Changes) Order, and to make amendments to the Members Allowances Scheme to clarify the arrangements for payments where entitlement changes; and

- A decision making minor amendments to Article 4, the Community Committee Procedure Rules, the Procedure for Considering Complaints Against Members and the Members' Code of Conduct, for the purposes of clarification and to ensure that the constitution is up to date and fit for purpose.

Executive Arrangements

3.9 The Executive and Decision Making Procedure Rules require the Leader to present details of her Executive Arrangements for the forthcoming municipal year. These include the details of:

- Executive Members (including Deputy and Support Executive Members)
- Executive Committees
- Delegation of Executive Functions to
 - Community Committees,
 - Health and Wellbeing Board,
 - other authorities
 - officers
- Joint arrangements

3.10 As detailed above, the Leader's Executive arrangements were set out in a delegated decision dated 18th May 2017. They were reported to the annual meeting of Council on 25th May 2017 and any subsequent changes have been reported to Full Council as required by the Executive and Decision Making Procedure Rules.

Delegation of Functions

3.11 The delegations of functions to committees and to officers of the Council are set out in part 3 of the Constitution. Delegations to committees are expressed as the terms of reference of each committee. Delegations are set out in the officer delegation scheme to ten Directors¹. The scheme is divided into two parts – the first reflecting the delegation of Council functions and the second the delegation of executive functions. Both parts contain general delegations to all Directors and specific delegations which reflect the remit of each officer.

3.12 Following delegation of functions through the Leader's executive arrangements and by the resolution of Full Council, each of the ten Directors is required to make arrangements for the sub-delegation of those functions to officers of suitable experience and seniority. Schemes follow a template approach, setting out delegations in respect of both Council and Executive functions and specifying appropriate terms and conditions in respect of each delegation. Each scheme also provides for the exercise of those functions not delegated in the event of the absence of the Director.

3.13 All directors had their sub delegation schemes in place by the 5th June 2017.

¹ The ten officers who receive delegated functions through the constitution (the Chief Executive, Director of Resources and Housing, Chief Officer (Financial Services), City Solicitor, Director of Communities and Environment, Director of City Development, Chief Planning Officer, Director of Children and Families, Director of Adults and Health, Director of Public Health) are referred to as the Directors within the Constitution.

- 3.14 Since this time all Directors have kept their sub-delegation schemes under review. In the reporting period five² Directors have updated their scheme once, and two have made two updates. Amendments have been made for a variety of reasons including to reflect changes in the senior management structure and to give effect to changing requirements of the law.

Routinely Complied With

Decision Monitoring

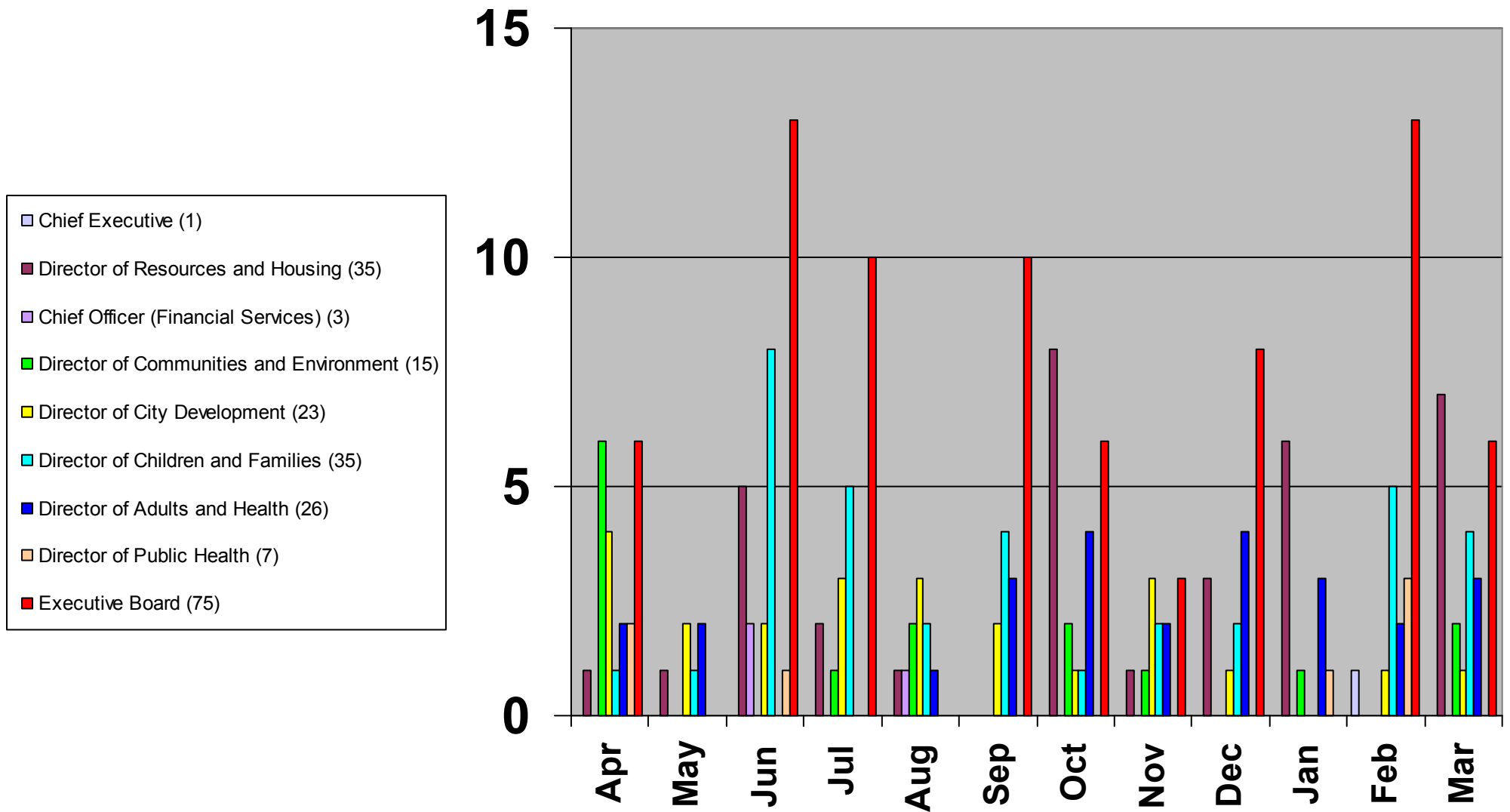
- 3.15 Members are familiar with the categorisation of decisions as key³, significant operational⁴ or administrative⁵. The Head of Governance and Scrutiny Support undertakes regular monitoring of key and significant operational decisions taken and recorded across the Council. Whilst there are no formal performance indicators attached to the publication of significant operational decisions it is helpful to understand the numbers of decisions recorded in accordance with the decision making framework.
- 3.16 In previous reports the Head of Governance and Scrutiny Support has provided comparisons year by year in relation to the number of decisions taken within directorates. However, given the structural reorganisation which took place at the beginning of the reporting period it is not possible to compare like for like as the way functions are mapped to directorates has altered significantly.
- 3.17 The Executive and Decision Making Procedure Rules, and the Access to Information Procedure Rules require that records of all key and significant operational decisions are published as soon as practicable after those decisions have been taken.
- 3.18 The Head of Governance and Scrutiny Support monitors the numbers of decisions published by each directorate each month. Where the monitoring shows unusual peaks or troughs in publishing activity the relevant directorate is invited to comment, enabling the Head of Governance and Scrutiny Support to offer support around the decision making framework with the aim of ensuring that there is understanding of the arrangements for publication of decisions and that the arrangements in place are mindful of any excess administrative burden being placed on directorates.
- 3.19 Over the course of the reporting period a total of 220 key decisions were taken; 145 by officers and 75 by Executive Board. Members receive notification of every officer key decision as it is taken through the circulation of an email when the relevant report is published alongside notice of intention to take the decision. Executive Board agendas are published on the Council's website and circulated to Members of the Executive Board. Other Members can be added to the electronic distribution list by request to Governance and Scrutiny Support.
- 3.20 The table below sets out the key decisions taken by each Director month by month during the reporting period.

² The Chief Executive, Chief Planning Officer, Director of Adults and Health, Director of Resources and Housing and Director of Public Health

³ >£250K or significant impact in one or more wards

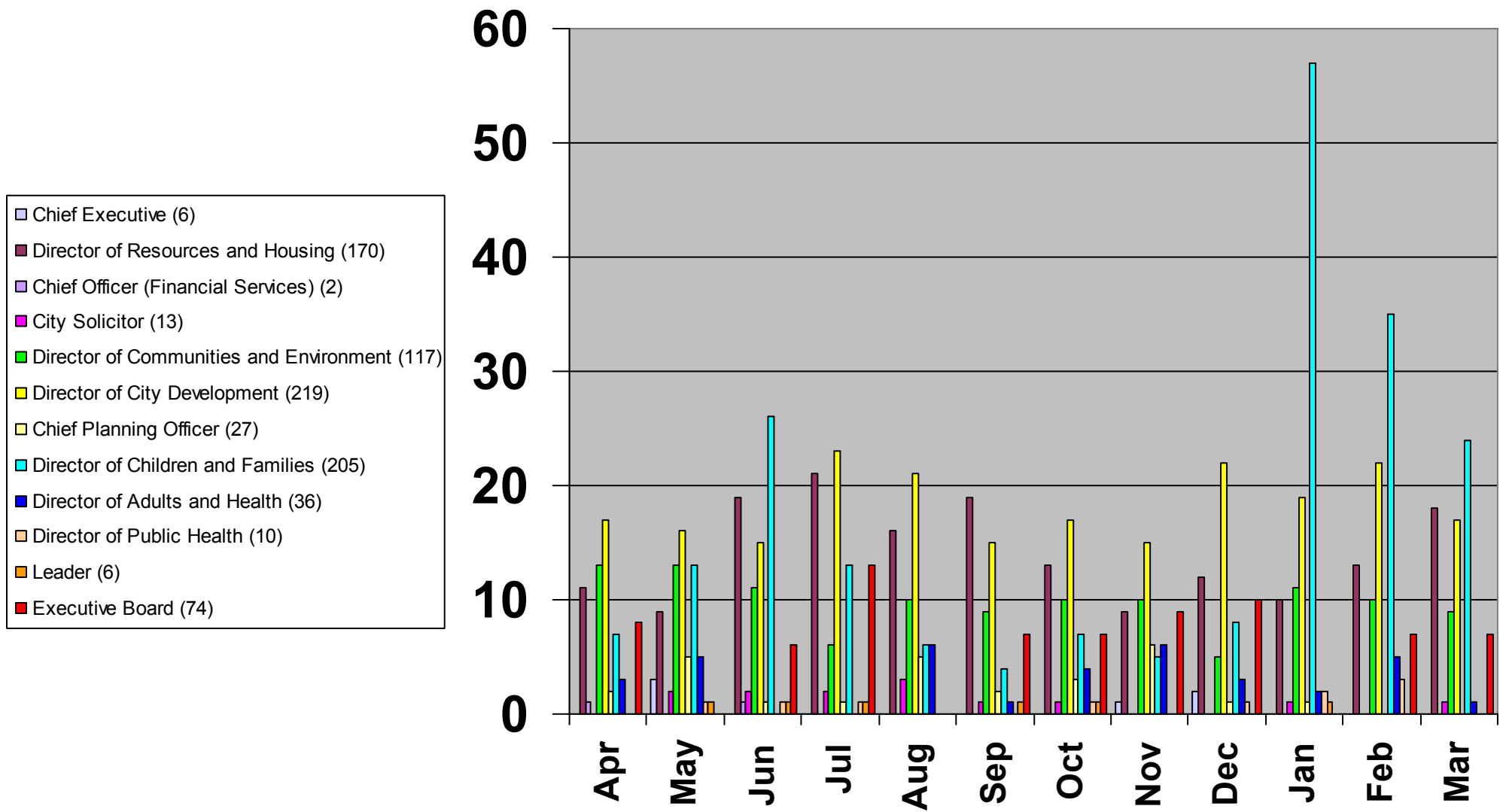
⁴ >£100K, exempt from Key or record required for transparency and accountability

⁵ <£100K, within budget and policy framework



**Table Showing Number of Key Decisions taken by Directors and Executive Board
April 2017 to March 2018**

- 3.21 Members may wish to note that the key decision taken by Chief Executive related to the Kirklees improvement partnership; in accordance with a resolution of Executive Board the Chief Executive took the decision relating to Children's services functions as the Director of Children and Families was directly affected by the decision.
- 3.22 Members will note that although both have delegated authority to do so neither the City Solicitor nor the Chief Planning Officer took any key decisions during the reporting period. This reflects the way in which functions are delegated as the role of the City Solicitor is predominantly advisory, and planning functions are largely Council functions and would not therefore be categorised as Key decisions.
- 3.23 Over the course of the reporting period a total of 811 significant operational decisions have been taken by individuals; 805 taken by officers and 6 by the Leader. A further 74 significant operational decisions have been taken by Executive Board. The view has been taken that Members would not find it helpful to receive email notifications in relation to every significant operational decision published. However it is possible to subscribe to Modern.gov (the system used to publish information in relation to Council decision making) and request email alerts to decisions taken by decision maker and/or by ward.
- 3.24 The table below sets out the significant operational decisions taken by each Director month by month throughout the reporting period.
- 3.25 Members will note that the majority of significant operational decisions are taken in City Development and Resources and Housing, with a further significant number being taken in Communities and Environment. Whilst it is not possible to do a precise like for like comparison of decisions taken by each directorate in previous years, the Head of Governance and Scrutiny Support believes that this reflects the pattern of decisions taken in previous years.
- 3.26 However, the volume of decisions taken by the Director of Children and Families, and the apparent peak in the months of January and February does not reflect previous patterns of decision making by that Directorate. The Head of Governance and Scrutiny Support is advised that this is the result of changes in the administration arrangements within the Directorate which caused a backlog in terms of publishing significant operational decisions relating to both the placement of children and approvals relating to the employment of children. The Head of Governance and Scrutiny Support is satisfied that decisions took place in a timely manner and that the delay in publication did not negatively impact on the placement or wellbeing of children. Consideration is being given to the batch publication of such placement decisions by the Directorate in future so that the publication of decisions does not impose an overly onerous burden. Similar batch publishing arrangements are used in respect of a number of licensing functions and are in line with the requirement to publish decisions 'as soon as reasonably practicable'.
- 3.27 Whilst Executive Board took 34% of the key decisions taken during the reporting period (more than any individual director), the Board has been responsible for only 8% of the significant operational decisions taken during the same period. This reflects the intention that officers should take responsibility for routine decision making with relatively low value and impact in city terms, allowing Executive Board to consider those decisions of high value or of significant impact on the communities living and working in Leeds. The arrangements provide for Executive Board to take decisions which may be significant in policy terms, or to keep a watching brief on developing projects which are significant although the individual decisions to be taken to not fall within the definition of a Key decision.



**Table Showing Number of Significant Operational Decisions Taken by Directors, Leader and Executive Board
April 2017 to March 2018**

Performance Indicators

- 3.28 In addition to the informal monitoring that takes place the Head of Governance and Scrutiny Support also monitors a number of key performance indicators in respect of the statutory requirements surrounding the Council's decision making.

List of Forthcoming Key Decisions

- 3.29 Regulations⁶ require that the Council publishes details of all likely Key Decisions no less than 28 clear calendar days before those decisions are taken. As details are published a significant time before the decision is taken it is not anticipated that the final details of the proposal will be available at the time this notice is given. Rather this publication is intended to alert Members and the public to the fact that decisions involving significant financial implications or impact on local communities are being considered. The details published include the contact details for the lead officer in relation to the decision in question, allowing Members and the public to seek further information and to contribute to the decision making process.
- 3.30 The Council's List of Forthcoming Key Decisions is available on Leeds.gov.uk. Decisions can be added to the List at any time, with flexibility in the way in which the timescale for the decision is expressed. As it is possible to amend the published details or even to 'unpublish' a planned notified decision if it becomes unnecessary or is re-categorised, officers are encouraged to publish details of all key decisions the Executive may wish to take as early as possible in the contemplation of that decision.
- 3.31 The Head of Governance and Scrutiny Support has set a target of 89% of all Key Decisions to be published to the List of Forthcoming Key Decisions no less than 28 clear calendar days before those decisions are taken. This target reflects the statutory provisions allowing for urgent decisions to be taken without complying with this requirement. Such decisions must however comply with the General Exception or Special Urgency provisions detailed below.
- 3.32 During the reporting period of 145 Key decisions taken by officers 139 (96%) were included in the List of Forthcoming Key Decisions. For the same period of 75 Key decisions taken by Executive Board, 73 (97%) were included in the List of Forthcoming Key Decisions. In combination 96% of Key decisions were published to the List 28 clear calendar days before those decisions were taken.

General Exception

- 3.33 The General Exception is a legislative provision⁷ which permits a Key decision to be taken, although not included on the List of Forthcoming Key Decisions for the requisite period if it is impracticable to delay the decision until such time as those 28 clear calendar days have elapsed.
- 3.34 The regulation requires that five clear working days' notice is given of a general exception decision, setting out the reason why it is impracticable to delay. This information is included in paragraph 4.5 of the corporate report template under the heading 'Legal Implications, Access to Information and Call In'. In addition the information is set out in the delegated decision notice published in relation to officer decisions.
- 3.35 The regulation also requires that the Chair of the relevant Scrutiny Board **is notified** that such a decision is to be taken. As all Members are automatically advised of the publication

⁶ Regulation 9, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

⁷ Regulation 10, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

of all Key decisions, through the circulation of agendas and delegated decision notices, this statutory requirement is met.

- 3.36 Of the 8 Key decisions which were not included in the List of Forthcoming Key Decisions for 28 clear calendar days prior to those decisions being taken 6 (4 officer and 2 Executive Board decisions) were taken under the General Exception. The reasons given in each case are set out in the table below:-

Officer Decisions		
D44434 May 2017	Director of Children and Families	Decision flowed from earlier key decision but final scheme cost was in excess of £250K greater than approved spend and therefore required a further key decision when scheme cost received. Delivery programme would not accommodate further delay.
D44985 November 2017	Director of Children and Families	Delay would impact on procurement of independent fostering and supported lodgings care
D46353 March 2018	Director of Adults and Health	Transfer of funding from CCGs to local authority required to take place before CCGs closed ledgers in preparation for formal merger.
D47392 March 2018	Director of Adults and Health	Delay would mean expiry of interim contract prior to acceptance of three month extension option. Interim arrangements necessary pending outcome of full procurement process.
Executive Board Decisions		
Minute 185 April 2017	Director of Children and Families	ATS Learning places expansion project at Cockburn School Decision urgent when pupil numbers confirmed for increased cohort in next academic year.
Minute 195	Director of City Development	Development of Headingley Stadium Original funding package couldn't be delivered and time required to identify proposed alternative but completion required for 2019 Cricket World Cup.

Special Urgency

- 3.37 Special Urgency is a legislative provision⁸ permitting urgent decisions to be taken without giving five working days' notice. In order to do so the Director **must seek the agreement** of the relevant Scrutiny Chair that the decision is urgent and cannot be deferred.
- 3.38 Again the reasons for urgency are recorded in the report to the decision maker at paragraph 4.5 "Legal implications, access to information, and call in" and are repeated on the delegated decision notice for officer decisions.
- 3.39 In accordance with Rule 2.6.2 of the Executive and Decision Making Procedure Rules⁹, the Head of Governance and Scrutiny Support, on behalf of the Leader, is able to confirm that, of the 8 Key Decisions which were not on the List of Forthcoming Key Decisions for the required 28 day period, only 2 (both officer decisions) were taken under Special Urgency.

⁸ Regulation 11 Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012

⁹ Regulation 19 Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012

3.40 As required by Executive and Decision Making Procedure Rule 2.6.1 the agreement of the Scrutiny Chair that the matter was urgent and could not reasonably be deferred was recorded and published alongside the relevant decisions. The reason given for urgency in relation to the two linked decisions is shown in the table below:-

Officer Decisions		
D44808	Director of Adults and Health	South Leeds Independence Centre and Suffolk Court recovery hubs – linked decisions.
D44809	Director of Adults and Health	Embargo on communicating the outcome of Community Beds Service tender from NHS Leeds South and East CCG. Decision required to be taken urgently to enable readiness for performance of contract.

3.41 Members will note that good and cogent reasons are given in respect of all decisions which were not included in the List of Forthcoming Key Decisions for the required 28 clear calendar days.

Availability for Call In

- 3.42 The Council is required to make arrangements for decisions of the Executive which have been made but not yet implemented to be considered by an overview and scrutiny committee¹⁰.
- 3.43 The Council's procedure is set out in the Executive and Decision Making Procedure Rules, and provides for non-executive members to Call In any eligible decision by 5 p.m. on the fifth working day after the decision is published. All decisions of the Executive Board, Executive Decisions of the Health and Wellbeing Board and Key decisions of officers are eligible for call in.
- 3.44 Significant operational and administrative decisions taken by officers are not included with those eligible for call in as the required framework to monitor the numbers of decisions taken, to ensure the call in control is applied, and the delay in implementation for those decisions would be disproportionate to the benefit gained.
- 3.45 The Executive and Decision Making Procedure Rules provide that certain categories of decisions will not be eligible for call in. The Head of Governance and Scrutiny Support has considered the list of categories which are not available for call in and is of the view that the inclusion of each is appropriate.
- 3.46 Following consideration of a decision which has been Called In the relevant Scrutiny board may release the decision for implementation or recommend its reconsideration. Whilst the Scrutiny Board is not able to impose its own decision the provision of Call is an important element of democratic accountability arrangements as it allows Members to hold the executive to account.
- 3.47 The Executive and Decision Making Procedure Rules provide that a decision taker may exempt a decision from Call In if the decision is urgent (i.e. that any delay would seriously prejudice the Council's or the public's interests.) The reasons for urgency must be set out in the report relating to the decision.

¹⁰ S9F Local Government Act 2000

- 3.48 The rules do not permit any kind of appeal against a decision to exempt a decision from Call In. However, given that the recommendation to exempt the decision from call in must be included in the report which is published together with the agenda or delegated decision notice five clear working days before Key decisions are taken (except in cases of Special Urgency), opportunity exists for Members to make representations to the decision maker prior to the decision that the exemption would apply.
- 3.49 Availability of eligible decisions for call in is one of the key performance indicators monitored by the Head of Governance and Scrutiny Support with a target of 95% of all eligible decisions being open for call in.
- 3.50 During the reporting period of 145 Key decisions taken by officers of which 144 were eligible for call in 137 (95%) were available for Call In. For the same period, of 148 decisions taken by executive Board of which 138 were eligible for Call In, 134 (97%) of eligible decisions were available for Call In. In combination 96% of eligible decisions were available for call in.
- 3.51 The table below sets out the reasons given for exempting decisions from Call In:-

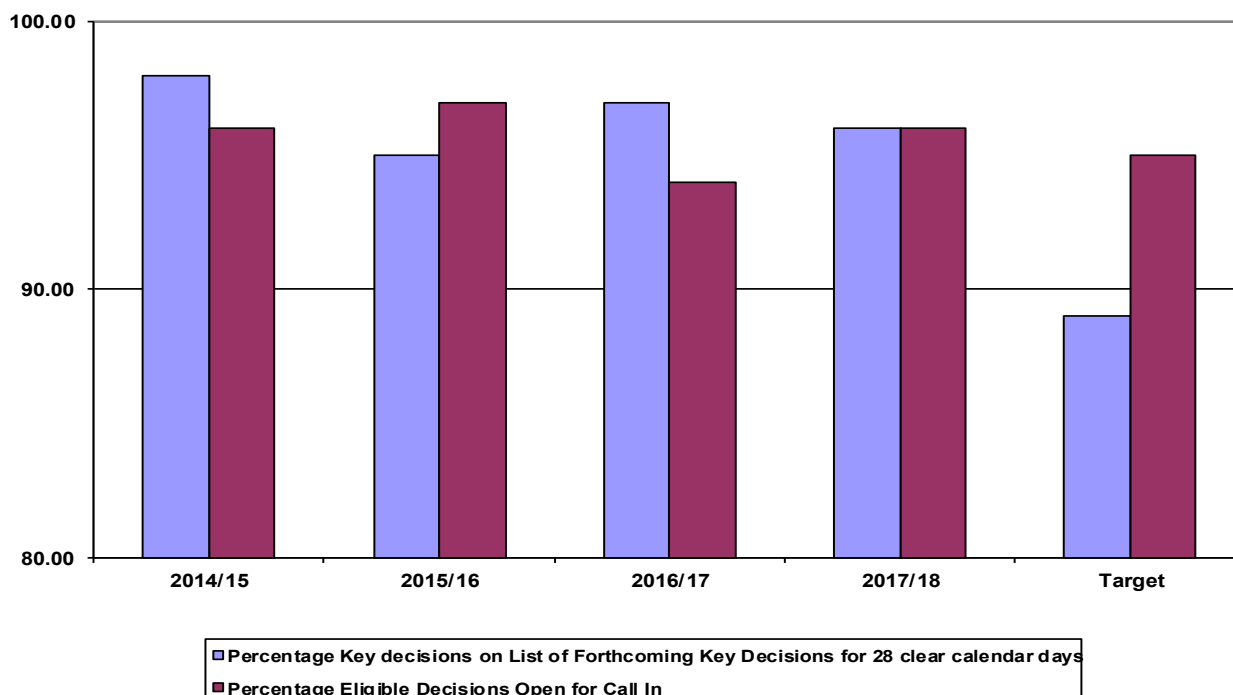
Officer Decisions		
D44326 April 2017	Director of City Development	Exempt – Council’s investment portfolio Delay may mean Council not able to complete acquisition
D44776 Sept 2017	Director of City Development	Ineligible – Local Transport Capital Block funding subject to a previous call in.
D44808 Sept 2017	Director of Adults and Health	Exempt - South Leeds Independence Centre and Suffolk Court recovery hubs – linked decisions.
D44809 Sept 2017		Embargo on communicating the outcome of Community Beds Service tender from NHS Leeds South and East CCG. Decision required to be taken urgently to enable readiness for performance of contract.
D46316 Feb 2018	Director of City Development	Exempt – delay would mean Council not able to complete acquisition
D46353 Mar 2018	Director of Adults and Health	Exempt – transfer of funds from CCGs to be completed before end of financial year when CCGs to merge.
D47392 Mar 2018	Director of Adults and Health	Exempt – risk of interim contract expiring before option to extend exercised.
D47431 Mar 2018	Director of Children and Families	Exempt – urgent provision of temporary facilities for school places for bulge cohort.
Executive Board Decisions		
Minute 192 16/17	Director of City Development	Exempt – Housing White Paper Short timescale set by DCLG to comment on white paper proposals

Minute 195 16/17	Director of City Development	Exempt - Development of Headingley Stadium Original funding package couldn't be delivered and time required to identify proposed alternative but completion required for 2019 Cricket World Cup.
Minute 76 17/18	Director of City Development	Exempt – Capital of Culture Bid Delay would prevent submission within bid timescales
Minute 81 17/18	Director of City Development	Exempt – Transport for North Incorporation Timescales for consenting to making of regulations set by Department for Transport.

3.52 The following table shows the comparison over the last three reporting periods in relation to the inclusion of key decisions on the List of Forthcoming Key Decisions and the availability of decisions for call in:-

Reporting Period	1 st June 2015 to 31 st March 2016	1 st April 2016 to 31 st March 2017	1 st April 2017 to 31 st March 2018
Key decisions taken by officers	105	139	145
Key Decisions taken by Executive Board	61	67	75
Key decisions on List	157	200	212
Percentage Key decisions on list (target 89%)	95%	97%	96%
General Exception	5	5	6
Special Urgency	4	1	2
Decisions eligible for call in	222	285	282
Decisions available for call in	215	267	271
Percentage eligible decisions available for call in (target 95%)	97%	94%	96%
Decisions called in	0	2	0
Decisions released for implementation following Call In	NA	1	NA
Recommendations made following Call In	NA	1	NA

3.53 The chart below sets out performance indicators for decisions on the List of Forthcoming Key Decisions and eligible decisions open for Call In over the previous three reporting periods.



3.54 In quantitative terms, Members will note that although the number of decisions taken during the reporting period has increased year on year targets in relation to performance in respect of inclusion in the List of Forthcoming Key Decisions (89%) and availability of eligible decisions for Call In (95%) continue to be met.

3.55 From a qualitative perspective the Head of Governance and Scrutiny Support has noted that in the majority of cases where the statutory exceptions (General Exception, Special Urgency and Exemption from Call In) are considered advice is sought and the reasons given for their use reveal a complete story explaining why relevant steps could not be taken earlier to meet the usual requirements as well as documenting the reason for the urgency.

Decisions Not Treated as Key

3.56 Executive and Decision Making Procedure Rule 6.1 enables Members to challenge the categorisation of significant operational or administrative decisions which they believe should have been treated as Key. The relevant Scrutiny board is empowered to require the decision maker to prepare a report to Council if the Board agrees the decision should have been treated as Key

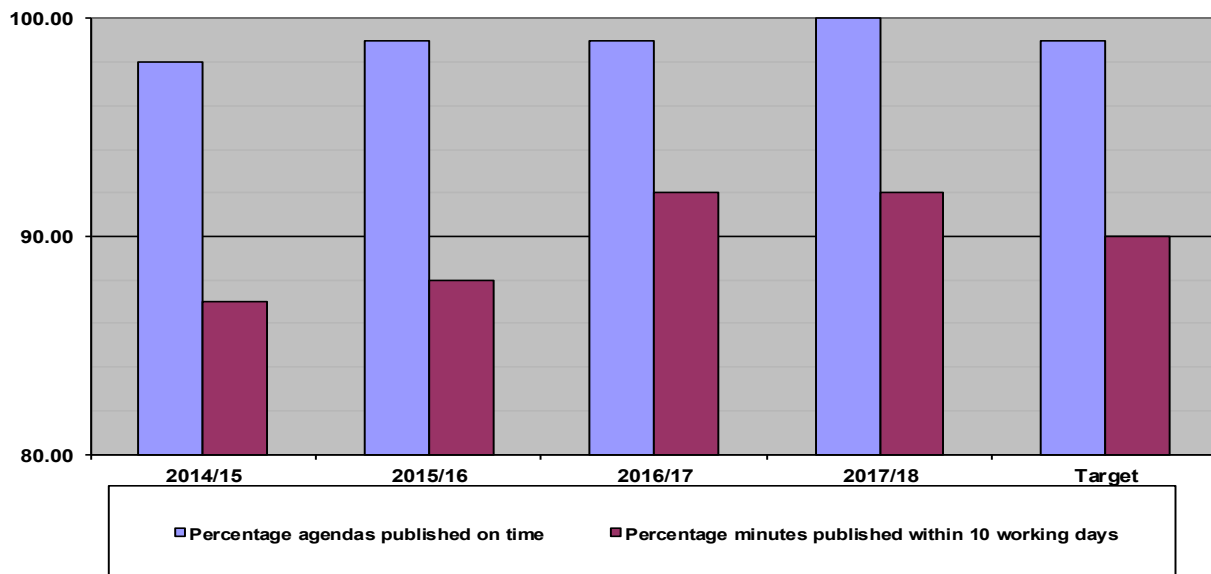
3.57 The Head of Governance and Scrutiny Support can confirm that there have been no decisions taken within the reporting period that have been challenged under Executive and Decision Making Procedure Rule 6.1 as wrongly treated.

Agendas

- 3.58 The Council is required to publish agendas and reports for committees five clear working days in advance of a meeting. This requirement is contained within Section 100B of the Local Government Act 1972 for Council Committees and in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 for Executive committees. Both pieces of legislation also contain exception provisions for meetings to be called at short notice.
- 3.59 The Head of Governance and Scrutiny Support has established a target for 99% of agendas to be issued and published within the five day statutory deadline; this being a reasonable measure of timely transparency and an indication of the extent to which exception provisions are utilised to call meetings at short notice.
- 3.60 Of 204 meetings which took place within the reporting period covered by this report, 204 agendas were issued within the 5 clear day deadline. This gives a performance of 100% agendas issued and published within the five day statutory deadline.

Minutes

- 3.61 There is no statutory framework stipulating the time period for the publication of committee minutes. To enable the decisions of the Council to be accessible and transparent the Head of Governance Service has established a local target; this being for 90% of draft minutes to be published on the Council's internet site within ten working days.
- 3.62 Of 203 committee meetings which have taken place within the period covered by this report, 17 sets of draft minutes were published outside of this locally established target. This gives a performance of 92% draft minutes published within the specified target period. Members will note that a total of 204 agendas were published but only 203 meetings held within the reporting period – this is because the February meeting of the Scrutiny Board (Infrastructure and Investment) was cancelled on the day because of weather conditions.
- 3.63 Of the 17 late published minutes 13 were published within 15 working days of the meeting, 2 within 20 working days and the remaining 2 within 30 working days of the meeting. All but one of the late minutes were published before the next meeting of the relevant committee. The remaining Minute was circulated to Members of the Scrutiny Board (Adults and Health) before the next meeting but those Members agreed to defer consideration of the minutes until the following meeting to ensure that the process was open and transparent.
- 3.64 In addition Members should note that there has been 100% compliance with the requirement in the Executive and Decision Making Procedure Rules that minutes for all meetings of Executive Board are published within two working days of the meeting. This permits prompt availability of Executive Board decisions for call-in and minimises the delay to implementation necessary to allow for the call-in process.
- 3.65 The table below shows performance indicators for agenda and minute publication for the previous three reporting periods, compared to this period and against target. Members will see that the improved rate of agenda publication has been sustained and that performance in relation to the publication of minutes continues to improve.



Committees outside monitoring arrangements

3.66 There are a number of committees for which the Head of Governance and Scrutiny Support does not collate agenda and minute publication statistics. The reasons for this are as set out below:-

Joint Committees

3.66.1 The Council appoints a number of joint committees in relation to both Council and executive functions. The Governance and Scrutiny Support Service have responsibility for clerking three of these; the West Yorkshire Adoption Joint Committee, the Joint Health Overview and Scrutiny Committee (Yorkshire and Humber) and the West Yorkshire Joint Health Overview and Scrutiny Committee. The preparation of agendas and minutes is complex in relation to these committees given the need to liaise with Members from other authorities, not all of whom work to the same aspirational targets.

Non Statutory Bodies

3.66.2 The Governance and Scrutiny Support Service support a number of committees which are not appointed by Council or Executive Board and are not therefore subject to the statutory access to information requirements. These include the School Organisation Advisory Board and the Joint Plans Panel which is a meeting combining the membership of the three Plans Panels.

Licensing Sub Committees

3.66.3 Section 101(15) of the Local Government Act 1972 disapplies the provisions requiring prior publication of agendas from functions of the Licensing Authority which fall instead to be discharged in accordance with the Licensing Act 2003 and the Licensing Act (Hearing) Regulations 2005. For this reason the Head of Governance and Scrutiny Support does not include meetings of the Licensing Sub-Committee in the performance indicator for publication of agendas. However in the interests of openness and transparency the service continues to seek to publish those agendas in accordance with the 5 clear working day notice period wherever possible. Of the 26 Licensing Sub-Committee meetings held in the reporting period all 26 agendas were published with 5 clear working days' notice.

Effectively Communicated

Support for the Decision Making Framework

- 3.67 Support to the decision making process seeks to encourage compliance, improve governance administration, and enhance organisational effectiveness; this support is provided in three main ways:

Training and Awareness

- 3.68 Appropriate and timely provision of training should
- ensure that officers involved in all stages of the decision making process are able to identify when decisions are being taken, which rules and procedures apply, the steps which they as individuals need to take and the steps which need to be taken by others within the process;
 - strengthen a culture of compliance, by presenting the decision making framework with clarity; setting out all necessary processes in such a way as to show how they achieve relevant and necessary outcomes (that processes support the democratic mandate, are reflective of the Council's values, encourage public and Member engagement with decision making before decisions are taken, and that decisions stand up to challenge once taken); and
 - encourage discussion of the framework, application to organisational reality and consideration of ways in which the procedures and processes in place can be applied or may be amended to continuously improve efficient decision making practice whilst enhancing the transparency and quality of decisions taken.
- 3.69 There are a number of training opportunities in place which seek to support officers in relation to decision making governance.
- Council structures and decision making –half day face to face training aimed at those who take decisions or support the decision making process. The course covers political structures of the Council, delegation of functions, definitions of key, significant operational and administrative decisions and controls in relation to prior publicity, recording and scrutiny applying to each;
 - Political awareness – a series of learning resources and opportunities are being brought together with the aim of ensuring that Members and officers are able to participate together in learning and awareness activities. In addition there is a proposal to develop a group of Member Development Champions who will work directly with and through Directorate Management Teams to provide a structured cascade of learning.
 - Occasional bespoke decision making training tailored to suit the needs of particular services either in carrying out functions directly or in supporting those who do.
- 3.70 Other opportunities are being considered for developing the training on offer including:-
- Adding Value through Scrutiny – face to face training to be developed to assist officers in understanding the role and processes of Scrutiny thus enhancing their contribution to Scrutiny and assisting each Board in adding value to the work of the Council.
 - Procurement e-learning – this brief e-learning package is being developed to target officers who raise orders or are involved in procuring low value contracts (under £100K) within directorates;
 - Decision making governance e-learning – to be developed for those who are unable to attend or have attended the face to face training and seek a refresher.

- Finance e-learning – to be developed for managers with and without budget responsibility to ensure that financial regulations are routinely followed and robustly enforced.

Advice and Guidance

- 3.71 Whilst training provides generalised knowledge in relation to the decision making framework there is a need for specific advice and guidance in relation to the application of the framework to decision making in context. Such advice is provided by a number of professionals, some located within directorates and others situated in the corporate centre:-
- The Governance and Scrutiny Support Service provides advice and guidance to Members and officers. The service routinely provides advice in relation to Executive Board reports – the governance requirements of decisions to be taken by the Board and those which follow as a consequence. In addition the service provides support in relation to all aspects of decision making governance, whether generic or relating to specific matters, to directorate or discipline specific advisors whether within the directorates or centrally based services.
 - Each directorate has access to a directorate support officer. As a group these officers work together to provide a consistent offer of support in relation to decisions taken by officers in accordance with delegated powers, the preparation of reports for executive board and other committees, leadership and partners meetings, and executive member briefing, in addition to providing ‘a safe pair of hands’ with substantial knowledge of the decision making framework to advise, to scan the decision making horizon within the directorate and to lead on the operational business requirements of the governance framework..
 - Legal support is provided by Legal Services working in specialist teams. Good working relationships are developed with relevant directorates enabling access to ad hoc advice in addition to that which is given as part of larger projects or within the executive board clearance procedures.
 - Each Directorate has a nominated Head of Finance who, together with their team, works closely alongside colleagues in the directorates which they support. They are in a unique position to identify and advise in relation to decisions which are being taken and to provide links between the directorate and other relevant professionals.
 - The Procurement and Commercial Service provides dedicated support in relation to the Council’s procurement processes. The committee receives dedicated assurance reports in relation to the Council’s procurement activity.
- 3.72 The Head of Governance and Scrutiny Support has undertaken a piece of work to identify ways in which governance, legal, finance and procurement colleagues can work increasingly cohesively to support officers engaged in decision making. The approach taken is one of using those decisions which prompt challenge to prompt learning and development within teams, further strengthening the roles of the supporting disciplines within and throughout the decision making process, rather than a perception that they are separate and distinct.
- 3.73 Increasingly colleagues from all disciplines are seeking opportunities to share and apply their expertise to the day to day process of decision making. Time is being taken to engage in forward planning to ensure that decision making processes can be as smooth as possible, with the necessary compliance with statutory controls not causing unmerited delays in decision making.

Check and Challenge

- 3.74 A consistent approach to monitoring decision making across the directorates will help to ensure that the relevant frameworks which govern decision making are embedded and routinely complied with. Some of this monitoring can be carried out as part of the decision making activity, some is provided after the fact but enables learning and development to improve practice and procedure.

Performance Monitoring

- 3.75 Performance Monitoring ensures that key performance indicators are monitored monthly together with general patterns of decision publishing. As noted earlier in this report any anomalies or emerging trends are shared with directorates via the directorate support officers.

Audit

- 3.76 The Audit Plan, which informs the work of Internal Audit, includes work designed to test the features of the decision making framework as part of the ongoing programme of audit. Audits test decisions at both high and low level, considering the way in which the framework, rules and procedures are complied with. Where potential for improvement is identified recommendations are made as to how compliance can be secured through practicable measures.
- 3.77 Areas of decision making risk or weakness have been identified formally through the internal audit process during the year, although a number of improvements were identified through the audit follow up process. Work is ongoing to ensure that practice is embedded and that these improvements are therefore sustained. Some issues have been identified during the year with decisions not always being published as appropriate, and where formal decisions should have been taken but there are no records to confirm that this has been done.
- 3.78 In addition there continues to be concern around the extent to which evidence is available to support compliance with Contracts Procedure Rules where procurement has taken place outside a formal contract. Internal Audit has reviewed the root causes of instances of non-compliance and have highlighted issues around the understanding and application of Contract Procedure Rules, particularly when procuring lower value items outside formal contracts, which can lead to a lack of consistent evidence to support the decisions that have been taken. This is also reflected in issues that have been noted around the management of contract waivers.
- 3.79 Where decision making processes are not followed or properly evidenced, this opens the authority up to the risk of challenge from contractors or bidders that may feel that they have missed out on a worthwhile tendering opportunity. This risk is increased where the aggregated sum of expenditure reaches a level at which the council has a legislative obligation to publish details of the procurement in accordance with Public Contracts Regulations. Transactional information is also readily available in the public domain through published payments and Freedom of Information.

Looking Forward

- 3.80 The Head of Governance and Scrutiny Support plans to co-ordinate a review of thresholds which apply in finance, procurement and decision making governance as well as undertaking benchmarking against the Core Cities and the West Yorkshire Authorities. It is anticipated that this may lead to detailed consultation with Members in order to ensure that the thresholds for categorisation of decisions remain up to date and fit for purpose in supporting Members to fulfil their democratic mandate.

Decision Making Governance Assurance Statement

- 3.81 From the review, assessment and on-going monitoring carried out, the Head of Governance and Scrutiny Support has reached the opinion that, overall, decision making systems are operating soundly and that arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.

4. Main Issues – RIPA

- 4.1 In line with the Council's last inspection report, Members were last updated in relation to applications for directed surveillance and CHIS (Covert Human Intelligence Source) authorisations at their December 2017, and March 2018 meetings. It is confirmed that there have been no applications for directed surveillance or CHIS authorisations, since the June 2017 meeting. There has been no use of the powers to obtain communications data, over the same period. Given that the grounds for authorising directed surveillance are limited to preventing or detecting serious crime, and approval by a JP is now also required in both cases, it is unlikely that the use of directed surveillance or CHIS authorisations will increase. It is possible that Environmental Action may decide to use the powers to acquire communications data in some serious cases, and preparations have been made so as to ensure that should this be the case, the Council will be fully compliant with the RIPA rules and the relevant Code of Practice.
- 4.2 Members are asked to consider whether they require any changes to the RIPA policy appended to this report. No changes are recommended at this time. Although there is little use of these powers currently, officers will continue to update Members periodically on their use, and on any changes in policy or procedure which may be required as a result of new legislation, or changes to the Codes of Practice.
- 4.3 From the review, assessment and on-going monitoring carried out, the Head of Service Legal Services has reached the opinion that, overall, systems and processes relating to RIPA are operating soundly and that arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.

5. Main Issues - Licensing

- 5.1 In order to avoid duplication of effort it has been agreed that the annual licensing report, which is agreed by Licensing Committee before being received by Full Council, will be received as the assurance report in relation to decision making for licensing. The most recent report was considered by Licensing Committee on 6th March 2018 and received by Council on 28th March 2018. The information set out in the annual licensing report reflects decision making arrangements from 1st January to 31st December 2017.
- 5.2 The Annual Licensing Report can be found at <http://democracy.leeds.gov.uk/documents/s171870/Appendix%20A.pdf>.
- 5.3 Since the annual licensing report was published, Licensing Committee continues its function for the overview of licensing decisions and activities, and there are no issues that require to be brought to the attention of this committee at this time.
- 5.4 From the review, assessment and on-going monitoring carried out, the Head of Elections, Licensing and Registration has reached the opinion that, overall, systems and processes relating to licensing are operating soundly and that arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.

6. Main issues – Planning

Planning Matters

- 6.1 The Chief Planning Officer has responsibility to ensure that the Council's arrangements for dealing with and determining planning matters are up to date, fit for purpose, effectively communicated, routinely complied with and monitored.
- 6.2 Planning Services has internal arrangements in place to provide assurance in the decision making process and to mitigate any potential risk of challenge on the grounds of partiality or bias. The service is firmly committed to a programme of continuous improvement, ensuring that processes take into account best practice and from learning from past errors. A number of actions and improvements have taken place over the last year and these are described below.

Decision making framework for planning matters

- 6.3 The framework for decision making in relation to planning matters in England and Wales is plan-led. This involves the authority preparing plans that set out what can be built and where. All decisions on applications for planning permission should be made in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 6.4 The decision on whether to grant permission is within the context of the development plan and other material considerations which includes national and local planning policy and guidance. Material considerations cover a wide variety of matters including impact on neighbours and the local area.

Delegation and sub delegation schemes

- 6.5 The Chief Planning Officer is authorised to carry out specific functions on behalf of the council. All planning applications are considered to fall within the delegation scheme and will be determined by officers under the sub-delegation scheme, unless they fall into defined exceptional categories which were detailed in previous reports to this Committee. The Chief Planning Officer's delegation scheme was last reviewed and approved by Full Council on 25 May 2017.
- 6.6 The sub-delegation scheme sets out which functions have been sub-delegated by the Chief Planning Officer to other officers and any terms and conditions attached to the authority sub-delegated by the Chief Planning Officer. The latest sub-delegation scheme was approved on 22 August 2017.
- 6.7 The Chief Planning Officer's sub-delegation scheme ensures that decision making is undertaken at the appropriate level of seniority and experience. For example, only officers at planning team leader level and above have the authority to determine major applications. Other applications can only be signed off by officers at PO4 level and above. No officer can 'sign off' their own applications and therefore an appropriate level of external scrutiny is brought to bear on each proposal before it is finally determined. The majority of decisions are made by officers under the delegation scheme and in 2017-18, officers made 97.7% of the decisions. This is necessarily high due to the sheer volume of applications received in Leeds, in order to maintain expeditious decision making, and is similar to the levels of delegation in other Core Cities

Audit of Community Infrastructure Levy

- 6.8 In February 2017, Internal Audit commenced an audit into the Community Infrastructure Levy. The scope of the audit was to gain assurance over the arrangements in place to ensure income is identified and collected and that the monies are used in line with the intended purpose. A report was produced in June 2017 by Internal Audit and their opinion was *limited assurance* for the control environment and *acceptable assurance* for compliance with actual controls. *Minor Organisational Impact* was assigned as the weaknesses identified during the audit left the council open to low risk. If the risk materialised it would have a minor impact on the organisation as a whole.
- 6.9 One of the main areas of concern was the number of officers involved in the CIL process from beginning to end and Audit recommended that a dedicated officer had overall responsibility for maintaining the CIL process. This recommendation was agreed and a CIL officer has been appointed and started on 1 April 2018. This officer will be responsible for developing and reporting on CIL and implementing the other recommendations identified in the audit. The post is funded from the 5% charge top sliced from CIL payments, which local authorities can use to administer CIL. This is a very positive step forward for the service in terms of service development and in ensuring the appropriate assurances and control measures are in place.

Planning performance 2017-18

- 6.10 The service collects a range of information and data to monitor its own performance and to take corrective action wherever necessary. The service reports on this performance twice a year in a half year and end of year performance report to the Joint Plans Panels.
- 6.11 In 2017-18 the service received 5,130 applications; this was a 3.2% increase from the previous year. This was the sixth successive year that the service has seen an increase in number of applications being submitted and for the first time since 2008 that numbers have gone over 5,000 applications. This is compared with latest available national figures¹¹ which show that there has been no increase or decrease change in the number of applications made in comparison with the same period the previous year.
- 6.12 There were 4,985 decisions made in the reporting period, 3.1% increase from the previous year.
- 6.13 The table below shows the services' performance in relation to applications being determined in time or within agreed timescale.

	% Majors in time	% Minors in time	% Other in time
2017-18	91%	84.3%	88.2%
2016-17	93.1%	89.4%	93%
2015-16	96.6%	90.6%	93.5%
2014-15	88.7	85.1	91.8
2013-14	73.3	70.3	83.3

- 6.14 The latest national figures¹² for applications determined in time show that Local Planning Authorities decided 88% of major applications within 13 weeks or the agreed time.

¹¹ Department for Communities and Local Government Statistical release Planning Applications in England: October to December 2017.

¹² Department for Communities and Local Government Statistical release Planning Applications in England:

Therefore, Leeds' performance is above the national average. There has been a fall in performance in comparison with the previous year, this is due largely to the resource constraints the service has been working within, carrying a number of vacancies combined with an increase in the number of applications being submitted. However, this is still a significant achievement.

- 6.15 The last time this assurance report came before committee, members requested that comparative information from the Core Cites was provided. This is presented in the table below for the latest available dataset, (year ending December 2017)¹³ showing comparative performance and workload.

Authority	No applications received	Majors determined in time (%)	Minors determined in time (%)	Others determined in time (%)
Birmingham	4772	88	73	92
Leeds	4629	93	86	90
Liverpool	2159	90	84	84
Manchester	2324	86	86	89
Newcastle	1423	96	92	91
Nottingham	1343	80	80	82
Sheffield	2550	80	83	87

- 6.16 Clearly, Leeds performance is very strong across all categories, but particularly in ensuring decisions on major applications were on time. Major applications represented a significant workload, matched only in number by Birmingham who determined 88% of their majors in time.

Plans Panel decision making

- 6.17 Occasionally the Plans Panel may make a decision contrary to the officer's recommendation (whether for approval or refusal). In these circumstances a detailed minute of the Panel's reasons is made and a copy placed on the application file. Thus, members are required to explain in full their reasons for not agreeing with the officer's recommendation, observing the 'Wednesbury principle' which requires all material considerations to be taken into account and all irrelevant information (i.e. non-material matters) to be ignored. This ensures there is, as far as possible, a robust and defensible position should the application be subject to a legal challenge or appeal.
- 6.18 There is some inevitability that different decisions are reached, especially where decisions are finely balanced, or where different weight is attached to the potential planning considerations and the table below shows the position over the last few years.

October to December 2017.

¹³ Table P132: District planning authorities1 - planning applications decided, granted, performance agreements and speed of decisions, by development type and local planning authority, England Year ending December 2017

Year	Decisions	Decisions contrary to officer rec (as a % of the total no of decisions)	Appeals Against Refusal	Dismissed	Allowed	Costs awarded
2017-18	119	4 (3.3%)	3	2 1 in progress		
2016-17	105	11 (10.4%)	3	1	1	0
2015-16	127	4 (3%)	2	0	1	0
2014-15	191	14 (7%)	9	4	5	0
2013-14	136	7 (5%)	0	0	0	0

- 6.19 Of the 119 decision made by the three panels, four were contrary to the officer recommendation. One was at North and East Panel which related to an application for dormer windows at 71 Hill Top Mount; it was recommended for refusal but Members resolved to grant permission. Three were at South and West Panels two were for change of use to House of Multiple Occupation (HMO): The Omnibus, Throstle Road North and 20 Conference Road. Both were recommended for approval but Members refused them. The final one was for 183 Haigh Moor Road, Tingley, which was refused by members due to concerns over overlooking, and massing of a new dwelling. All three refused applications have been appealed; the Planning Inspectorate has dismissed two and the third is currently going through the appeals process.
- 6.20 The number of Panel decisions contrary to the officer recommendation represents a very small percentage of the total number of decisions made by the local planning authority, around 0.08% of total decisions, and only 3.3% of those presented to Panel.
- 6.21 Applications where the recommendation is supported by the Plans Panels are discussed thoroughly, with robust questioning of all stakeholders- officer, applicant and public speakers. This is to enable the Panel to be in possession of the full facts before making their decision. From this discussion, sometimes the application is amended, when it is recommended for approval, to add further conditions or amendments suggested in order to generate the best planning and development outcome on the ground. In the last report to the Committee, members asked for examples of developments highlighting the impact made by members to decisions where officer recommendation is supported, below are a few recent examples:
- North and East Panel, Former Civil Service Site, Newton Road, Potternewton- members sought additional affordable housing units following initial consideration
 - City Panel Residential development of 43 houses with associated landscaping and access on land to the rear of 5 and 14 Merton Close, Kippax, asked developers to look again at design issues to ensure the scheme was more imaginative
 - North and East on Heather Royd a development of eight flats, where members requested an additional condition to restrict building works to 8.00am to 5.00pm
 - South and West Panel on a residential site in Stanningley, where members successfully secured a pedestrian crossing.

6.22 Additionally, Plans Panel members often request that employment and skills obligations are included in S106 agreements to ensure that employment and training opportunities is provided for local people.

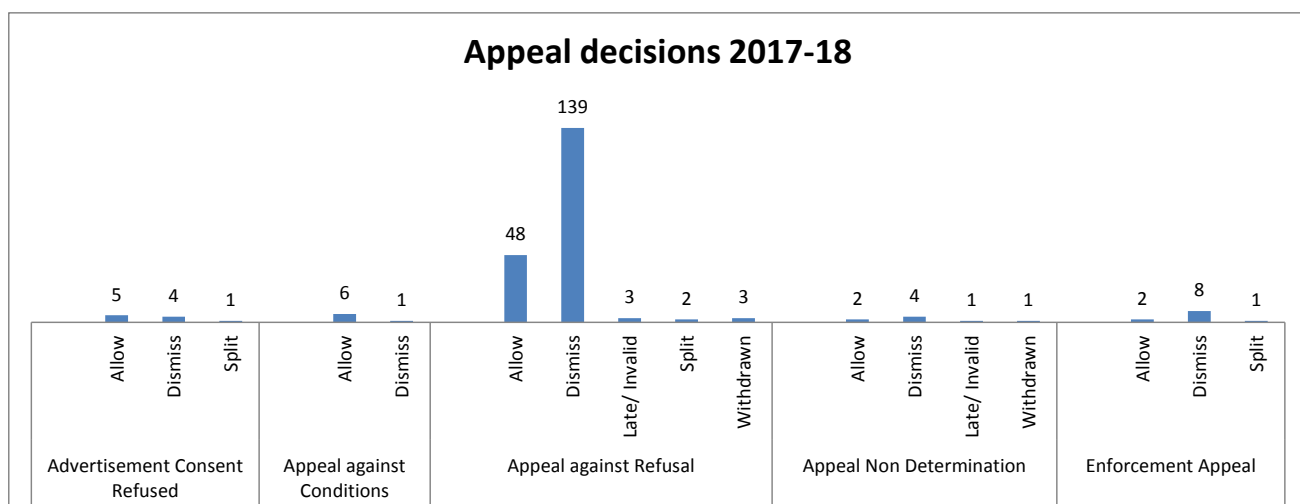
Appeals

6.23 The service uses several indicators to determine the quality of decision making: number of lost appeals, number of ombudsman complaints received and numbers upheld. In 2017-18 there were 307 new appeals, this is a 13% increase in the number of appeals in comparison with the previous year. Just over a quarter of appeals were householder appeals.

6.24 The Planning Inspectorate made 231 decisions on appeals in 2017-18. (The figures are different because of the six month window allowed for appeals to be made.) The table below shows the outcome of appeals for 2017-18 compared with the last five years performance. Performance on appeals dismissed has improved from the position last year where 63.5% of appeals were dismissed compared with 67.5% in this reporting period (about the national average).

Year	Appealed Decisions	Dismissed	Costs awarded Council	Costs awarded to Council
2017-18	231	67.5%	1	0
2016-17	260	63.5%	0	0
2015-16	231	74.1%	3 partial, 1 full	1 partial, 1 full
2014-15	237	66%	5	0
2013-14	251	71%	4	0

6.25 There has been one appeal against the non-determination of an application that was in the process of being considered at Panel (proposal for a Wetherspoon’s in Cross Gates). The appeal was lodged following the deferral of the application at Panel for further information. The application was originally recommended for permission but Members resolved to contest the appeal. The appeal was allowed and costs were awarded against the council, however the final settlement hasn’t been reached yet. Additionally, there are two other fairly recent cases where costs have been awarded. The costs awarded for an appeal at Longroyd Grove have been settled at 55% of the original claim, whilst the Council’s negotiated offer relating to the appeal at 84 Kirkstall Road has not yet been responded to.



- 6.26 The chart above shows that most of the appeals made in 2017-18 were in relation to refusal of planning consent, 139, or 87%. Of the total appeals in 2017-18, 78 decisions related to householder appeals where 59% were dismissed. This is an improvement on the position reported last year. The service is committed to further analysing appeal decisions and taking corrective action, as appropriate.
- 6.27 Analysis of the latest annual figures on decisions from the Planning Inspectorate April 2016 to March 2017¹⁴ show that Leeds has the highest number of S78 appeals of the metropolitan authorities, 106 appeals, with an above average number of decision being allowed on appeal, compared with the metropolitan average. Maintaining control of appeals is particularly important as the Government's performance regime commencing in 2018 increases the threshold to 10% of an authority's total number of decisions on major and non-major applications made during the assessment period being overturned at appeal.
- 6.28 However, the service is currently well within this threshold; based on 2017-18 data, 4, 985 planning decisions were made, of which 67 were allowed on appeal. This equates to just 1.3% of the total number of decisions being overturned at appeal. Nevertheless appeals work is has a significant resource implication for the service and a close watch will be maintained, identifying where a change of stance is perhaps required in light of recurring upheld appeals.

Customer complaints and Ombudsman cases

- 6.29 From April 2017 to March 2018 there have been 117 stage 1 and stage 2 complaints received by the LPA. This compared with 148 complaints received in the same period last year. This is a 21% decrease in the number of complaints received in comparison with the same period last year.
- 6.30 One of the main themes of upheld complaints focus on the way planning applications have been advertised to neighbours and that comments received from neighbours not been taken in to account by officers. Training from Legal Services on report writing and focussing on writing effective and robust officer reports will be delivered in 2018 which will go some way to address this issue.
- 6.31 The Local Government Ombudsman (LGO) reported 21 cases to the Planning Service during this period, of which nine were received as closed with no further action being taken by the LGO. This compares to 25 new cases with 17 requiring no further action in 2016-17. One was closed after initial investigation, the rest required investigation. Seven cases were upheld and identified fault and four cases are awaiting a decision. Training from the LGO was delivered to officers in May 2018. This focussed on evaluating information and following a clear, transparent process in dealing with complaints, as well as , communicating with complainants effectively and learning from complaints.

Embedding the framework for planning matters

Officer training

- 6.32 As mentioned in previous reports to this Committee, the service places emphasis on ensuring that planning officers are up to date with current legislation, best practice and government initiatives. This ensures the decision making process is based on the most current and accurate information possible.

¹⁴ Planning Inspectorate Statistics April 2016 to March 2017

<https://www.gov.uk/government/statistics/planning-inspectorate-statistics>

- 6.33 The planning reform agenda continues with the recent overhaul of the National Planning Policy Framework which has implications for the planning system and the way new housing is delivered. It therefore continues to be a time of significant change, and it is necessary to ensure that officers are up to date and receive training to support decision making. Case officers receive training and updates at the planning case officers' meeting which takes place every 6 to 8 weeks. The head of development management provides a regular update of government reforms and changes that will impact on the way officers work. Guest speakers are also invited who provide information on planning and planning related information. In conjunction with monthly team leader meetings, the case officer meetings facilitate two way communications to ensure agreement is reached on operational issues and a consistent approach is adopted across the service.

Member training

- 6.34 Article 8.2.2 of the Council's Constitution, says that Members of the Plans Panels must complete all compulsory training and shall not sit as a Member of the Panel unless such training has been undertaken in accordance with the Council's prescribed training programme.
- 6.35 The compulsory training session in order to sit on Panel comprises one or two session(s), depending on the experience of members on planning matters and comprises:
- Planning update: This session updates members with the latest legislation and planning guidance. It also covers any changes to the planning system which will impact on the work of members.
 - Additional training for members new to the Plans Panel. This training is run by the group manager who goes through the procedural issues associated with the running of the Panel and the basic principles of planning. In this session officers will also identify some key planning issues, hot topics, direction of travel for policy and probity issues.
- 6.36 All Plans Panel members in 2017-18 undertook the prescribed training. Following the May elections, new-to-Panel members for 2018-19 have received the training.
- 6.37 Further training was offered to members of the plans panels in 2017-18 including a workshop on tall buildings.
- 6.38 Additionally, a useful and informative session with representatives from the private rental sector (PRS) Colliers and Legal & General was held in September 2017. The PRS has undergone a rapid period of growth and nationally now forms around 20% of the housing market and the session was to explore with the development industry some of the community and local pressures Members have to balance in supporting good growth in Leeds. The industry representatives spoke about the changing views of PRS, future growth of the PRS, how the PRS is regulated and the quality and management of the PRS homes.
- 6.39 There was much discussion about affordable and sub market rents, and the representatives outlined schemes in other parts of England where schemes were ring fenced to keyworkers where rents could be lower. It was also recognised that there are poor quality PRS housing and this perception could shape members' views of the whole sector.

Member tour of past sites

- 6.40 A tour of past sites was organised for March 2018; however the tour was cancelled due to the adverse weather conditions. Following the elections the visit is now being reorganised for a date later in July or for after the Summer in September. The tour will include a mix of commercial and residential, that were either granted permission or had permission granted on appeal. Such tours are very useful for members to look at development as built and to

reflect on past decisions made. This reflection helps in the decision making process on future applications.

Work of the Plans Panels

- 6.41 The second annual report of the work of the three Plans Panels and the Development Plans Panel was presented to full Council in November 2017. The report outlined the workload and other activity dealt with by the Panels and focussed on a number of significant applications which went before the Panels for determination.

Review of the Plans Panels

- 6.42 As part of planning services' commitment to continuous improvement to support the council's growth ambitions for Leeds, consultants were commissioned to carry out a short piece of work look at the function of the plans panels in Leeds City Council and its contribution to that growth agenda. POS Enterprises were appointed, working with planning officers, members of the Plans Panels and representative from the development industry to highlight existing good practices and to learn from practices from elsewhere. The Chief Executive and the Leader have also been interviewed as part of this work. A report is due from the consultants in June 2018.

Relationship with partners and customers

- 6.43 2017-18 has seen a developing relationship with the Leeds Chamber of Commerce to support good growth in Leeds. A session was held in June 2017 with the Chamber and members of the Plans Panels to discuss ways to make planning work more efficiently in the city. The session was quite informal and generated much robust discussion, with challenges for all parties to consider. Whilst the Chamber fielded developers from all sectors, discussion inevitably focussed on housing and the challenges that brings, but also the opportunities for moving forward. Feedback from members and the Chamber of Commerce was that the session was a positive first step in an evolving partnership.
- 6.44 An action from the session was to produce a "Joint Planning Protocol"; the Protocol is essentially to be a series of promises adhered to by both the development industry and the local authority, which all parties sign up to. This is currently in development and a draft will come before the Joint Member Officer Working Group in the first instance for consultation.

Working with Small and Medium Enterprise house builders (SME)

- 6.45 It is increasingly being recognised that the SME housebuilding sector is important in delivering the homes needed in Leeds. However, this sector has its own particular issues and pressures in securing planning permission and starting on site. A meeting was held with representatives from the SME sector to explore the issues in December 2017. The meeting was an honest exchange of views, with specific issues and concerns raised by the Authority and SME representatives. But it was also productive with an action plan agreed to look at ways of better supporting the sector, within current resource parameters. A follow up meeting is scheduled for September 2018.

Planning Assurance Statement

- 6.46 From the review, assessment and on-going monitoring carried out, the Chief Planning Officer has reached the opinion that, overall, systems and processes for planning are operating soundly and that arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.

7. Corporate considerations

7.1 Consultation and engagement

7.1.1 This report has been shared in draft with the Corporate Leadership Team.

7.2 Equality and diversity / cohesion and integration

7.2.1 There are no implications for this report.

7.3 Council policies and best council plan

7.3.1 The Council's values include being open, honest and trusted; spending money wisely; and working with all communities. The Council's decision making framework sets out systems and processes which ensure information is shared in a clear and consistent fashion to enable the people living and working in the communities of Leeds to engage with the decision maker to ensure that community wishes and needs are taken into consideration. Whilst decision makers are required to consider whether the decision to be taken represents best value the systems and processes themselves are subject to continuous review to ensure that their implementation is practicable and makes best use of the Council's resources to achieve compliance with both the statutory and local framework.

7.4 Resources and value for money

7.4.1 The systems and processes in place to meet the requirements of the decision making framework do so from within existing resources.

7.5 Legal implications, access to information, and call-in

7.5.1 The Council's decision making framework meets the statutory requirements in relation to decision making and monitoring of relevant performance indicators ensures compliance.

7.6 Risk management

7.6.1 The positive assurances set out in this report show that the Council's decision making framework is fit for purpose, embedded and routinely complied with so there are no risks identified by this report.

8. Conclusions

8.1 In relation to Executive Decision Making

- The systems and processes in place to support Executive Decision Making, which are captured in the Council's Constitution and sub-delegation schemes are subject to regular review and amendment as necessary to ensure that they are up to date, and fit for purpose;
- Routine monitoring of executive decisions has shown that systems and controls in place to promote open and transparent decision making are observed across all directorates. Use of statutory exemptions to publicity and scrutiny requirements is within target limits set for key performance indicators;
- Statutory requirements for the publication of agendas, and locally set targets for the publication of minutes of meetings have been met; and

- A combined approach of training and awareness, advice and guidance; and check and challenge supports the framework ensuring that it is fully embedded.

8.2 In relation to RIPA

- Relevant statutory powers have not been used during the reporting period; but
- Systems and processes are in place to ensure statutory powers are used lawfully should the need arise.

8.3 In relation to Licensing

- Detailed monitoring of performance has been shared with Licensing Committee and Full Council through the Annual Licensing Report;
- All systems and processes remain up to date and fit for purpose.

8.4 In relation to Planning

- A CIL Officer has been appointed, ensuring that appropriate assurances and control measures relating to the Community Infrastructure Levy are in place;
- Planning performance is the subject of regular monitoring and review showing Leeds to be performing strongly against the national average and in relation to core cities;
- Decision making by Plans Panels is robust;
- Planning appeals are the subject of ongoing review with a commitment to taking corrective action in relation to planning decision making where appeal outcomes show this to be necessary;
- Ombudsman complaints are monitored, and enable focussed training is to be put in place to further improve decision making;
- Training is provided to both Officers and Members engaged in planning decision making to ensure they are up to date with legislation and best practice;
- Ongoing work is being undertaken to develop relationships with partners and customers to add value to the planning process;

9. Recommendations

9.1 Members are requested to consider and note the positive assurances provided in this report given by the Head of Governance and Scrutiny Support, the Head of Service Legal Services, the Chief Planning Officer and the Head of Elections, Licensing and Registration that the decision making framework in place within Leeds City Council is up to date, fit for purpose, effectively communicated and routinely complied with.

10. Background documents¹⁵

10.1 None.

¹⁵ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.